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Finding of No Significant Impact

Centinela Solar Energy Project

U.S. Department of the Interior
Bureau of Land Management
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1.0 INTRODUCTION

This Finding of No Significant Impact (FONSI) addresses the issuance of a right-of-way grant under Title V of the Federal Land Policy and Management Act (FLPMA), 43 United States Code (USC) Section 1761, for a proposed electricity transmission (gen-tie) line across public lands under the jurisdiction of the Bureau of Land Management (BLM), El Centro Field Office, identified as Alternative 3 in the Environmental Impact Report/Environmental Assessment (EIR/EA) prepared for the project. The gen-tie line is related to the development of a solar energy generating facility on privately owned land. Authorizations for right-of-way grants are regulated by the BLM in accordance with 43 Code of Federal Regulations (CFR) Section 2800 *et seq.*, consistent with Department of the Interior (DOI) and BLM policies and the *California Desert Conservation Area Plan* (CDCA Plan, 1980, as amended).

In addition to the impacts of the proposed gen-tie line, the EIR/EA and this FONSI also consider the environmental impacts of the energy generating facility components located on privately owned land. The impacts of those non-Federal action project components are considered because those non-Federal actions are dependent on the requested right-of-way grant for the gen-tie line, in that the non-Federal actions cannot proceed unless BLM grants the requested right-of-way for the gen-tie line. Therefore, the energy generating facility project components on privately owned land are treated as a connected non-Federal action for the purposes of the National Environmental Policy Act (NEPA) analysis.

2.0 PROJECT DESCRIPTION

Centinela Solar Energy, LLC has proposed to construct the Centinela Solar Energy (CSE) Project on privately- and publicly-owned lands in Imperial County, California. The CSE Project, as proposed by Centinela Solar Energy, LLC, consists of two primary components:

- A 275 megawatt (MW) photovoltaic (PV) solar energy generating facility on 2,067 acres (ac) of privately-owned, previously disturbed agricultural land in Imperial County, approximately eight miles (mi) southwest of the City of El Centro, north of the United States/Mexico international border.
- An approximately 6 mi long, 230 kilovolt (kV) aboveground gen-tie line extending from the generating facility west and then north to the existing Imperial Valley Substation. A

4.25 mi long segment of that gen-tie line would be located on BLM managed land; the remaining segment would be located on privately owned land.

Because approximately 4.25 mi of the gen-tie line is proposed to be within existing designated Utility Corridor "N" on BLM managed land, that gen-tie line will require a right-of-way grant from the BLM. As a result, Centinela Solar Energy, LLC submitted an application for a right-of-way grant on BLM managed lands, using "Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands," to the BLM for the proposed gen-tie line on April 29, 2010. In connection with that request and as a result of the public/private land configuration of the CSE Project, a joint EIR/EA was prepared to meet the requirements of the California Environmental Quality Act (CEQA) and NEPA, respectively, for the proposed CSE Project. The County of Imperial is the lead agency for CEQA purposes, and the BLM is the lead agency for NEPA purposes. The conclusions in this FONSI are based on the analysis in the EIR/EA. Those documents are incorporated by reference in this FONSI. The CSE Project EIR/EA is available in hardcopy at the BLM El Centro Field Office, 1661 South Fourth Street, El Centro, California, or online at: <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/centinela.html>. On December 14, 2011, the County of Imperial Planning Commission considered the CSE Project and it was forwarded to the County of Imperial Board of Supervisors for a decision on the Conditional Use Permit. The County of Imperial Board of Supervisors is tentatively scheduled to issue a decision on the CSE Project on December 27, 2011. The BLM understands that Centinela Solar Energy, LLC has already obtained easements for the segment of the gen-tie line and the generating facility located on privately owned land.

This FONSI determination is for the right-of-way grant for 18.94 ac of BLM managed land within the proposed 125-foot (ft)-wide, 1.2 mi long right-way for the construction and operation of the gen-tie line, and the temporary use of an additional 3.12 ac of BLM managed land during construction of the gen-tie line as identified and analyzed in Chapter 2.0, Proposed Action and Alternatives, in the EIR/EA as Alternative 3. As noted above, this FONSI considers the environmental impacts of the project component on BLM managed land (the segment of the gen-tie line) and the impacts of the generating facility and other project components on privately owned lands (collectively, the "non-Federal actions") because the non-Federal actions cannot proceed unless BLM grants the right-of-way for the gen-tie line located on public lands. The *BLM National Environmental Policy Act Handbook H-1790-1* (BLM NEPA Handbook, January 2008) provides that if a connected non-Federal action and its effects can be prevented by BLM decision-making, as is the case here, then the effects of that non-Federal action are properly considered indirect effects of the BLM action and must be analyzed as such (40 CFR 1508.7, 40 CFR 1508.25(c), and BLM NEPA Handbook at pages 46-48).

When power from the CSE Project reaches the Imperial Valley Substation, it can be distributed to the grid via either the existing Southwest Powerlink transmission line or the planned but not yet constructed Sunrise Powerlink transmission line. Because the Sunrise Powerlink line and the CSE Project will proceed independently (i.e., both can/will be constructed without the other), these two projects are not considered connected actions under NEPA for the purposes of the EIR/EA (40 CFR 1508.25(a)(i, ii, iii)).

The total right-of-way grant on BLM lands requested by Centinela Solar Energy, LLC is 22.06 ac, consisting of 18.94 ac of permanent right-of-way for the gen-tie line, and the temporary use of 3.12 ac during construction of the gen-tie line. The other project components would be located on approximately 2,067 ac of privately owned land. As described earlier, the impacts of the gen-tie line on both BLM and privately owned land and the other project components on privately owned land were analyzed in the EIR/EA.

3.0 FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based on review of the EIR/EA and the project record, including adoption of the mitigation measures and supporting documents referenced therein, I have determined that the Selected Alternative for the CSE Project is:

- (1) not a major federal action having a significant impact on the quality of the human environment, individually or cumulatively with other actions in the general area; and
- (2) in conformance with the following statutes and plans: FLPMA; the CDCA Plan; the *Yuha Basin Area of Critical Environmental Concern (ACEC) Management Plan* (March 1981), the Yuha Basin Flat-tailed Horned Lizard Management Area (MA); and the *Flat-tailed Horned Lizard Rangewide Management Strategy* (FTHL RMS, 2003).

Therefore, an environmental impact statement (EIS) is not required for the proposed CSE Project. If a federal agency prepares an EA and determines that the proposed federal action does not have the potential to significantly affect the quality of the human environment, then NEPA allows the agency to prepare a FONSI rather than an EIS for the proposed project.

Per NEPA regulations, specifically 40 CFR 1508.27, whether a proposed action significantly affects the quality of the human environment is determined by considering the context and intensity of the action and its effects. Agencies may prepare an EA to determine whether an action would have significant impacts. My finding is that, with implementation of the mitigation measures proposed and analyzed in the EIR/EA and included in the project terms and conditions, no environmental effects associated with the CSE Project meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 as based on the analysis in the EIR/EA as summarized below.

3.1 Context

NEPA requires the consideration of the significance of an action in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant per 40 CFR 1508.27(a). For purposes of analyzing the Selected Alternative, the appropriate context of potential impacts associated with the Selected Alternative is the local and regional scales, because the Selected Alternative does not affect statewide or national resource values. The context of the Selected Alternative points to no significant unmitigated environmental impact considering the following:

1. The majority of the CSE Project components, including the gen-tie line across BLM managed land and the generating facility on privately owned land, will be sited on land already disturbed by past activities including agricultural production and existing transmission facilities, including lines, towers, and the Imperial Valley Substation. As a result, the CSE Project will not result in substantial new areas of disturbance.
2. The Selected Alternative is a site-specific action directly involving a total of 22.06 ac of BLM managed land and 2,067 ac of privately owned land. Construction of the CSE Project facilities will result in some new areas of disturbance. As discussed in the EIR/EA, the extent of these new areas of disturbance will be minimized through project design features and mitigation measures provided in the EIR/EA and included in the project terms and conditions.
3. The total right-of-way grant on BLM lands requested by Centinela Solar Energy, LLC is 22.06 ac, consisting of 18.94 ac of permanent right-of-way for the gen-tie line within existing designated Utility Corridor "N," and the temporary use of 3.12 ac in that Utility Corridor during construction of the gen-tie line. Disturbance within the designated Utility Corridor "N" would be less than the right-of-way, totaling 13.27 ac. This disturbance would not preclude future use of the Utility Corridor, and would amount to only a small portion of the 40,622-acre Yuha Basin ACEC through which the corridor runs. The connected non-Federal action project components would be located on 2,067 ac of privately owned land previously used for agriculture. Given the previously disturbed nature of the project site, impacts will be minimal. In addition, although the generating facility will remove agricultural land from potential production, after decommissioning of the CSE Project the site will be restored to previous conditions to allow for potential agricultural production in the future. Moreover, mitigation measures in the EIR/EA and the project terms and conditions would avoid, reduce, and/or compensate for impacts of the gen-tie line on BLM managed land and the non-Federal action on privately owned

land, thereby, ensuring that the project impacts after mitigation will be less than significant.

3.2 Intensity

The term “intensity” refers to the severity of a proposed action’s impact on the environment. In determining the intensity of an impact, the NEPA regulations direct federal agencies to consider ten specific factors, each of which is discussed below in relation to the Selected Alternative for the CSE Project.

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.

While consideration of the intensity of project impacts must include analysis of both beneficial and adverse effects, only a significant adverse effect triggers the need to prepare an EIS (40 CFR 1508.27(b)(1) and BLM NEPA Handbook at page 71). The potential beneficial effects and adverse impacts of the Selected Alternative are discussed briefly in the following sections.

Beneficial Effects. As described in the EIR/EA, the Selected Alternative would result in several beneficial effects. These include the production of 275 MW of clean electricity estimated to power approximately 82,500 homes and reduce the need for energy generated from fossil fuels and its associated criteria pollutant emissions. Construction of the Selected Alternative is also estimated to create 360 (at peak) temporary direct construction jobs and 5-7 direct permanent positions during operation. Construction materials and equipment procurements would generate substantial sales and use tax revenues for the County and the state. The Selected Alternative would generate millions of dollars in property taxes in Imperial County over the life of the project. Finally, the Selected Alternative would result in substantially less demand for water than the existing agricultural irrigation demand.

Adverse Effects. As described in detail in chapters four and five of the EIR/EA, the construction, operation, maintenance, and decommissioning of the gen-tie line on BLM managed land and the project components on privately owned land would result in the adverse impacts summarized below. Mitigation included in the EIR/EA and in the terms and conditions for the Selected Alternative addresses and substantially reduces these potential impacts of the Selected Alternative to less than significant levels under NEPA.

Several impacts could occur during construction. These include traffic impacts to three local intersections, air emissions and dust, soil impacts, indirect impacts to off-site cultural sites from water runoff and traffic, and possible excavation of paleontological resources. The impacts to these resources would be minor and limited to construction, and thus would be

temporary in nature. The impacts would be further reduced by the mitigation measures described in sections 4.3.4 (Transportation and Circulation), 4.4.4 (Air Quality), 4.7.6 (Geology and Soils), 4.7.4 (Cultural Resources) and 4.13.4 (Paleontological Resources) of the EIR/EA.

The Selected Alternative would directly convert Prime Farmland, Farmland of Statewide Importance, and Unique Farmland on land outside the BLM lands crossed by the gen-tie line to a nonagricultural use during the operational life of the project. However, the site will be restored to previous conditions following decommissioning to allow for potential agricultural production in the future. More information on agricultural resource impacts and mitigation measures may be found in section 4.9 of the EIR/EA.

The Selected Alternative would also result in impacts to biological resources, including habitat disturbance, noise and lighting, and collision risks. Several avian and bat species, the flat-tailed horned lizard, and the Colorado Desert fringe-toed lizard could be affected. The BLM has consulted with the United States Fish and Wildlife Service and determined that adverse impacts to federally listed species are not likely. Mitigation requirements include compensation for disturbed habitat, an Avian and Bat Protection Plan, and a Weed Management Plan. More information on biological resource impacts and mitigation measures may be found in section 4.12 of the EIR/EA.

In summary, the analyses in the EIR/EA and implementation of the measures in the EIR/EA and included in the project terms and conditions support the conclusion that the Selected Alternative will not have a significant effect on the quality of the human environment.

2) *The degree to which the selected alternative will affect public health or safety.*

As discussed in section 4.10 of the EIR/EA, Hazards and Hazardous Materials, low concentrations of agricultural pesticides and other waste are already on site. However, mitigation measures will require the applicant to remediate the site before construction. The aboveground gen-tie line could also have potential adverse impacts on aviation safety. Based on implementation of the measures in the EIR/EA and included in the project terms and conditions, these impacts would be substantially reduced to below a level of significance under NEPA. Further discussion of public health and safety may be found in sections 4.4 (Air Quality), 4.6 (Geology and Soils), 4.8 (Noise), and 4.11 (Hydrology and Water Quality) of the EIR/EA. The project is not expected to cause seismic activity, flooding, or noise impacts, and air emissions would be reduced through mitigation measures.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.*

According to the BLM NEPA Handbook (Section 7.3), “unique characteristics” are generally limited to those previously identified through a legislative, regulatory, or planning process. The gen-tie line in the Selected Alternative traverses BLM managed land that is entirely within existing designated Utility Corridor “N” in the California Desert Conservation Area (CDCA) and is partially within the Yuha Basin Area of Critical Environmental Concern (ACEC) and the Yuha Basin Flat-tailed Horned Lizard MA. The gen-tie line on the alignment in the CDCA, the Yuha Basin ACEC, and the Yuha Basin FTHL MA is consistent with the land use plans for those areas and the intent of those areas to protect resources on BLM managed lands.

Yuha Basin Area of Critical Environmental Concern. Utility Corridor “N” was created to allow transmission lines to pass through the Yuha Basin ACEC and access the Imperial Valley Substation and avoid siting transmission lines in other more sensitive areas within the ACEC. The *Yuha Basin ACEC Management Plan* (March 1981) allows for the “...traversing of the ACEC by proposed transmission lines and associated facilities if environmental analysis demonstrates that it is environmentally sound to do so.” The analysis in the EIR/EA regarding the Selected Alternative satisfies this requirement.

Cultural Resources. The EIR/EA determined that construction activities associated with the Selected Alternative would not directly impact any known cultural resources. Some indirect effects to cultural resources adjacent to the project impact areas could occur due to increased traffic during construction and increased sheet flow and water runoff during heavy rainfall events. Subsurface construction activities could also potentially affect previously unknown cultural resources and human remains. These potential project effects to cultural resources would be substantially reduced to below a level of significance under NEPA based on implementation of measures in the EIR/EA and included in the project terms and conditions.

Agricultural Resources. As discussed earlier, the non-Federal action project components of the Selected Alternative would directly convert Prime Farmland, Farmland of Statewide Importance, and Unique Farmland on privately owned land to a nonagricultural use. Additionally, the Selected Alternative would require the termination of Williamson Act contracts on three parcels totaling 335 ac. The Selected Alternative would result in the reclassification of the privately owned parts of the project site to a nonagricultural use during the operational life of the project. However, after decommissioning of the CSE Project, the site will be restored to previous conditions to allow for potential agricultural production in the future.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

No effects of the Selected Alternative have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 CFR 1508.27(b)(4) whether or not to prepare a detailed EIS, “controversy” is not equated with “the existence of opposition to a use.” *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). “The term ‘highly controversial’ refers to instances in which ‘a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.’” *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998). Comment letters on the received on the EIR/EA provided no expert scientific evidence supporting claims that the project will have significant effects, or that it is highly controversial.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

Because there is always some uncertainty and risk regarding the effects of land management actions, the decision-maker must exercise some judgment in evaluating the degree to which the effects of a proposed project are likely to be highly uncertain and risks are unique or unknown (BLM NEPA Handbook, Section 7.3). The BLM has previously authorized six 230 kV lines (San Diego Gas & Electric, Sempra, Intergen, Imperial Irrigation District and CSOLAR Imperial Solar Energy Center South and West) in existing designated Utility Corridor “N” and was able to use information from those prior projects to assist in estimating the potential impacts of the Selected Alternative. As a result, the BLM can properly exercise its judgment and determine that it is unlikely that this project will have unique or unknown risks. The construction, operation, maintenance, and decommissioning of transmission lines and other components of solar energy generating projects are not unique or unusual. The effects of the proposed gen-tie line for the CSE Project are well understood because the BLM has experience implementing similar actions in similar areas, including the three existing transmission lines in this part of Utility Corridor “N.” As a result, there are no predicted effects of the Selected Alternative on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

Under CEQA, the County of Imperial must exercise judgment in identifying and reducing adverse environmental impacts of its land use decisions. The County has previously authorized private solar developments on fallow and active agricultural fields comparable to the CSE Project, and therefore is able to use information from those prior projects to estimate the potential impacts of the CSE Project. As a result, the County will consider the approval of the EIR and approves the findings of fact for the private land components of the CSE Project on the adoption of the project Mitigation, Monitoring, and Reporting Program.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

Decision makers must consider the degree to which the action may establish a precedent for future reasonably foreseeable actions with significant effects or represents a decision in principle about a future reasonably foreseeable condition (BLM NEPA Handbook, Section 7.3). After thorough analysis, as reflected in the EIR/EA, and implementation of the mitigation measures in the EIR/EA and included in the project terms of conditions in the right-of-way grant and the project Decision Record, it was determined that the Selected Alternative would result in no significant unmitigated effects under NEPA. This conclusion is based on the specific facts of the CSE Project and does not set precedent for, or automatically apply to, future transmission line right-of-way grants BLM is reviewing or could review in the future. In addition, this is not the first transmission line right-of-way grant BLM has approved. As a result, the type of land use action the BLM proposes to approve for the Selected Alternative does not establish precedents for future actions or represent a decision in principle about a future action. Moreover, this project will not limit the BLM's discretion when processing future right-of-way grant applications grants under FLPMA.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts—which include connected actions regardless of land ownership.*

The EIR/EA considered various types of past, present, and reasonably foreseeable projects on both public and private lands in the geographic area of the Selected Alternative. Table 5.0-1 in the EIR/EA provides a comprehensive listing of all reasonably foreseeable projects in BLM's jurisdiction in the vicinity of the Selected Alternative. Table 5.0-2 in the EIR/EA identifies all foreseeable projects in Imperial County's jurisdiction in the vicinity of the Selected Alternative. Together, Tables 5.0-1 and 5.0-2 in the EIR/EA identify all projects that could contribute to a cumulative impact on the environment. The analysis in Chapter 5.0, Cumulative Impacts, in the EIR/EA determined that construction, operation, maintenance, and/or decommissioning of the Selected Alternative would or may contribute to cumulative adverse impacts, when considered with the effects of the other cumulative projects listed in Tables 5.0-1 and 5.0-2 in the EIR/EIS.

Authorization of new right-of-way grants and ongoing improvements that serve public utility transmission systems was analyzed in the CDCA Plan and subsequent plan amendments. Those analyses resulted in the designation of utility corridors and communication sites, mechanisms for consideration of new facilities as the need arises, and subsequent programmatic agreements for ongoing operations and maintenance activities. No significant site specific or cumulative impacts associated with the BLM action for the CSE Project (right-of-way grant for the gen-tie line) or the non-Federal connected action (project components on

the 2,067 ac of privately owned land) were identified in the EIR/EA that could not be avoided or substantially reduced based on implementation of measures provided in the EIR/EA and included in the project terms and conditions, or that are inconsistent with those identified and analyzed within the above plans and programs.

- 8) *The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

This is related to element three (3) of the “unique characteristics of the geographic area” factor, and significance arises with the “loss or destruction” of significant scientific, cultural, or historical resources (BLM NEPA Handbook, Section 7.3). The EIR/EA fully analyzed the potential for the Selected Alternative to result in impacts on cultural resources. Tables 4.7-1 (National Register of Historic Places Status and Potential for Impacts) and 4.7-2 (Historic Resources More than 45 Years Old) in the EIR/EA list cultural resources in the project Area of Potential Effects (APE) and their potential eligibility for listing on the National Register of Historic Places (National Register). Although there are some National Register eligible resources in the APE and the right-of-way on BLM managed land, through avoidance by project design of the gen-tie line as shown in those tables, it was determined that the ground disturbing construction activities associated with the Selected Alternative would not directly affect the sites described above. That analysis indicated there is potential for indirect effects to cultural resources sites adjacent to the impact areas due to increased traffic during construction. Construction activities, such as grading, could increase the amount of sheet flow and water runoff during heavy rainfall events that could cause damage to cultural sites outside the construction area. Subsurface activities always have some potential to affect previously unknown cultural resources, including human remains.

Operation of the Selected Alternative is not expected to result in direct or indirect effects to National Register eligible or listed sites. Maintenance activities could result in grading, excavation, and trenching impacts if repairs are needed; however, there would be no new direct or indirect effects to cultural resources beyond those described above for the construction phase. Decommissioning activities would involve the implementation of a reclamation plan, which would include activities for returning the project site to a condition that is consistent with its original condition prior to the project. Those activities would occur in the areas that were disturbed during the original construction activities and, therefore, would not result in additional effects to cultural resources beyond those described above for the construction phase.

Implementation of measures provided in the EIR/EA and the project terms and conditions include avoidance of National Register and California Register of Historical Resources listed

resources during project design and construction; addressing unanticipated discoveries of cultural resources and discovery of human remains; providing cultural resources monitoring by qualified monitors during all surface disturbing activities (construction through restoration); and designating the construction disturbance limits in the field. The potential impacts of the Selected Alternative to cultural and historic resources will be avoided or substantially reduced, to below a level of significance, based on implementation of these measures.

As a result, the BLM has found that the cultural resources identified within the APE for the Selected Alternative would be avoided through project design or the impacts substantially mitigated based on implementation of the measures in the EIR/EA and included in the project terms and conditions. Because the Selected Alternative will not impact any National Register eligible or listed sites, the BLM has determined that there will be no historic properties affected. The BLM will present its determination to the California State Historic Preservation Officer (SHPO) in the yearly report to SHPO per the national programmatic agreement in which BLM will meet its responsibilities under the National Historic Preservation Act.

- 9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed or endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.*

As discussed in Section 4.12, Biological Resources, the EIR/EA evaluated potential impacts to the following federally listed threatened or endangered species: southwestern willow flycatcher (SWWF), Yuma Clapper Rail (YCR), peninsular bighorn sheep (PBS); or the following BLM-sensitive species: burrowing owl (BUOW), mountain plover, pallid bat and California leaf-nosed bat, golden eagle, Colorado Desert fringe-toed lizard, and flat-tailed horned lizard (FTHL). The potential impacts of the Selected Alternative on these species are summarized below; those impacts will be avoided and/or substantially reduced based on implementation of the extensive measures provided in the EIR/EA and included in the project terms and conditions. The BLM has consulted with the United States Fish and Wildlife Service and determined that adverse impacts to federally listed species are not likely.

Southwestern Willow Flycatcher. Construction of the Selected Alternative is not likely to directly affect SWWF individuals because there is no preferred nesting habitat on privately owned or BLM managed land in the project area and no habitat used during migration would be removed. Light and noise from heavy equipment during construction may result in short-term avoidance of small areas of foraging habitat near those construction activities. These would be short-term impacts given the brief amount of time (likely two weeks or less) this species may forage in the area during migration. With implementation of the measures

provided in the EIR/EA and included in the project terms and conditions, the operation and maintenance of the Selected Alternative are unlikely to have more than a discountable effect on migrating SWWF that may be foraging in habitat adjacent to the generating facility site. Operation and maintenance of the Selected Alternative are not expected to be a significant source of disturbance to avian species, including SWWF, outside the generating facility site.

The 230 kV overhead gen-tie line would span the Westside Main Canal and Mount Signal Drain. Potential impacts to SWWF in those areas would appear to be limited to daytime disturbance from construction adjacent to foraging habitat and the gen-tie line over the Westside Main Canal, Wormwood Canal, and Mount Signal Drain (if during the migration period), which may present a collision risk, and displacement of migrating SWWF if nearby construction activities temporarily deter foraging. There would be no indirect effects of the Selected Alternative to SWWF foraging habitat along the Westside Main Canal, Mount Signal Drain, or Greeson Wash as a result of runoff from the project site.

Yuma Clapper Rail. Construction of the Selected Alternative is not likely to have more than a discountable effect on YCR individuals because the potential habitat in the project vicinity is small and somewhat isolated. This species is not expected to nest in the project survey area.

Peninsular Bighorn Sheep. The Selected Alternative will not result in effects on PBS because there is no suitable habitat for this species in the project area. The closest known PBS habitat is approximately 14 mi west of the project area, and the nearest known occurrence of the PBS is 18 mi west of the project area.

Burrowing Owl. As discussed in Section 3.12 in the EIR/EA, occupied BUOW burrows were observed in the project survey area. While direct removal of these burrows by the Selected Alternative is not anticipated, agricultural fields representing suitable foraging habitat for the BUOW using those burrows will be graded during project construction activities. During and after construction of the Selected Alternative, BUOW may occur along the remaining earthen lined canals and drains in and around the project area, forcing them to travel long distances to forage. Avoidance and minimization measures would be required to reduce potential impacts.

Mountain Plover. There is a low risk of death or injury to the mountain plover as a result of the Selected Alternative. The mountain plover does not nest in the privately owned or BLM managed lands proposed to be used for the CSE Project or in the Imperial Valley. Therefore, there is no risk of destroying nests or eggs, harming chicks, or discouraging parents from returning to active nests as a result of the Selected Alternative.

Approximately 1,900 ac of foraging habitat on the generating facility site would be removed permanently as part of the Selected Alternative and, therefore, mountain plovers would not

attempt to forage on the site and there would be no risk of collision with solar panels and other project components. This represents approximately 0.9 percent of the suitable foraging habitat for this species in the Imperial Valley.

Pallid Bat and California Leaf-nosed Bat. These species may use all or parts of the project area for foraging, although neither is expected to roost in the project area or the immediate vicinity. The Selected Alternative would result in the permanent disturbance of approximately 1,900 ac of potentially suitable foraging habitat for these species. This disturbance would reduce the quality of the foraging habitat in the area, but would not totally eliminate it. The potential for continued foraging during project operation would be supported by the larger drains and canals within the generating facility site that would remain undisturbed and could continue to support prey populations for both species. Given the large amount of suitable foraging habitat in the immediate vicinity of the project site and the continued foraging opportunities during project operations, the Selected Alternative is not expected to significantly impact the pallid bat or the California leaf-nosed bat.

Golden Eagle. There is no suitable nesting habitat for the golden eagle on the privately owned portion of the project survey area, and the species is not expected to nest within or in the immediate vicinity of the survey area. As a result, the Selected Alternative is not expected to impact nesting golden eagles. The Selected Alternative would result in the permanent disturbance of approximately 1,900 ac of potentially suitable foraging habitat for golden eagles. This would not represent a significant impact to this species given the large amounts of suitable foraging habitat in the surrounding vicinity and the relative infrequency with which the species has been observed in the survey area and vicinity. The gen-tie line would represent a potential impact to golden eagles by presenting a risk of collisions. Bird flight diverters will be installed on the gen-tie line along the segments that cross the Westside Main Canal and Mount Signal Drain, which would alleviate some of that collision risk. The impact to golden eagles from the gen-tie line is expected to be minimal given the relatively infrequent use of the project area by golden eagles.

Colorado Desert Fringe-toed Lizard. Direct impacts to the Colorado Desert fringe-toed lizard may occur during construction of the gen-tie line and other project features. Construction activities such as the movement of construction vehicles or heavy equipment and the installation of transmission towers or solar facility components may result in the direct mortality, injury, or harassment of this lizard. Project construction could also encourage invasive, exotic plant species to encroach into this habitat. Colorado Desert fringe-toed lizard injury or mortality could potentially occur from general operations and maintenance activities as well. However, the anticipated frequency of travel along the existing access roads to the gen-tie line is expected to represent a negligible increase in traffic compared to the ongoing traffic in the area associated with construction and maintenance of the Imperial Valley

Substation, Border Patrol activity, and off-highway vehicle (OHV) activity. Avoidance and minimization measures would be required to reduce potential impacts.

Flat-tailed Horned Lizard. Direct impacts to FTHL may occur during construction of the gen-tie line. Construction activities such as the movement of construction vehicles or heavy equipment and the installation of transmission towers or solar facility components may result in the direct mortality, injury, or harassment of FTHLs. The gen-tie line is in the Yuha Desert FTHL MA as designated in the FTHL RMS. In accordance with the FTHL RMS, compensation would be required for impacts to FTHL habitat. The generating facility site is outside the Yuha MA in active agricultural fields.

The Selected Alternative for the gen-tie line may permanently impact approximately 2.58 ac and temporarily impact approximately 10.69 ac of FTHL habitat in the MA. Project construction will disturb soil and vegetation which can encourage invasive, exotic plant species to encroach into FTHL habitat. This potential increase in invasive, exotic plant species would be considered an adverse impact of the Selected Alternative to FTHL. General operations and maintenance activities that may be conducted along the transmission line could potentially cause FTHL injury or mortality as well. However, the anticipated frequency of travel along access roads to the gen-tie line is expected to represent a negligible increase in traffic compared to the ongoing traffic in the area associated with construction and maintenance of the Imperial Valley Substation, Border Patrol activity and OHV activity. To offset the impacts to the FTHL habitat, a six to one (6:1) acreage compensation ratio for direct impacts to the FTHL habitat within the MA will be collected for acquisition of FTHL habitat mitigation, returning approximately 80 ac of habitat to the FTHL.

Consultation with the United States Fish and Wildlife Service. The BLM requested initiation of informal consultation for southwestern willow flycatcher and Yuma clapper rail and submitted a Biological Assessment to the USFWS on June 22, 2011, for the Centinela Solar Energy Project. On July 26, 2011, the USFWS provided concurrence with the “May affect, not likely to adversely affect” (MANLAA), determination. Informal consultation was reinitiated by BLM memo dated August 25, 2011, to modify proposed conservation measures. USFWS agreed that the changes were discountable and concurred with the MANLAA determination on September 7, 2011.


10) Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.

The Selected Alternative does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. According to the BLM NEPA Handbook (Section 7.3), this factor often overlaps with others, such as the “public health”

factor. Refer to the discussion for Intensity Factors 1 (compliance with water, air, hazardous materials, and other environmental laws), 8 (NHPA Section 106 compliance), and 9 (compliance with endangered species laws), above. Similarly, the Selected Alternative does not violate the Farmland Protection Policy Act, because as explained above, it does not irreversibly and unnecessarily convert agricultural land to nonagricultural use.

3.3 Conclusion

Based on the findings discussed herein, I conclude that, with the implementation of the mitigation measures provided in the EIR/EA and included as terms and conditions of the right-of-way grant and as attached to the Decision Record, the Selected Alternative for the CSE Project will result in no significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.



Thomas F. Zale
Acting Field Manager, El Centro Field Office



Date